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28
**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff,

v.

HAALAND, ET AL,

Defendants,

and

IONEER USA CORPORATION

Defendant-Intervenor.

Case No. 2:20-cv-01812-JCM-NJK

REMEDY ORDER

For the reasons stated in the Court's Order (ECF No. 42), the Court hereby Orders that:

A. Federal Defendants shall submit to the Federal Register no later than May 31, 2021, a 12-month finding pursuant to 16 U.S.C § 1533(b)(3)(B) that listing the Tiehm's buckwheat is either "warranted" or "not warranted."

B. If FWS makes a "warranted" 12-month finding, Federal Defendants shall submit to the Federal Register no later than September 30, 2021, a proposed listing rule pursuant to 16 U.S.C. § (b)(5)(A)(i).

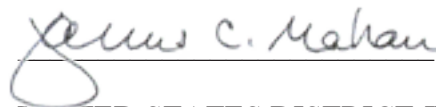
C. If FWS makes a "warranted" 12-month finding, and designating critical habitat is prudent and determinable, Defendants shall submit to the Federal Register no later than January 31, 2022, a proposed critical habitat determination pursuant to 16 U.S.C. § 1533(a)(3)(A)(i). If, however, the Office of Management and Budget determines the proposed critical habitat determination is a "significant regulatory action" under Executive Order 12,866, Federal Defendants shall have until May 2, 2022, to submit the proposed critical habitat determination to the Federal Register.

D. Defendants' emergency motion to alter/amend the judgment (ECF No. 44) and the second joint motion to extend the time for the court to make a ruling (ECF No. 57) are DENIED as moot.

IT IS SO ORDERED.

Dated: May 17, 2021.

Submitted by:



UNITED STATES DISTRICT JUDGE

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